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**UNITED STATES DEPARTMENT OF COMMERCE  
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EXXON CHEMICAL COMPANY  
P.O. BOX 5200  
BAYTOWN, TX 77522

**NOTICE OF ALLOWANCE  
AND ISSUE FEE DUE**

☐ No attached communication from the Examiner

☐ This notice is issued in view of applicant's communication filed \_\_\_\_\_

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/533,245	06/04/90	007	GARVIN, P	116 12/21/90
First Named Applicant CANICH, JO ANN M.				

TITLE OF INVENTION  
**OLEFIN POLYMERIZATION CATALYSIS**

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 P1586	502-117.000	L54	UTILITY	NO	\$1050.00	03/21/91

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**
**I. Review the SMALL ENTITY Status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the Status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

**II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by a charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.**

**III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.**

**IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees.**



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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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07/533,245 06/04/90 CANICH

J P1586

EXAMINER

EXXON CHEMICAL COMPANY  
P.O. BOX 5200  
BAYTOWN, TX 77522

GARVIN, P

ART UNIT

PAPER NUMBER

116

DATE MAILED:

12/21/90 12/19/90

NOTICE OF ALLOWABILITY

PART I.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
3. ☒ The allowed claims are 7-13.
4. ☐ The drawings filed on \_\_\_\_\_ are acceptable.
5. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received. ☐ not been received. ☐ been filed in parent application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.
6. ☒ Note the attached Examiner's Amendment.
7. ☒ Note the attached Examiner Interview Summary Record, PTOL-413.
8. ☒ Note the attached Examiner's Statement of Reasons for Allowance.
9. ☒ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
10. ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
2. ☐ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
  - a. ☐ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. \_\_\_\_\_. CORRECTION IS REQUIRED.
  - b. ☐ The proposed drawing correction filed on \_\_\_\_\_ has been approved by the examiner. CORRECTION IS REQUIRED.
  - c. ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
  - d. ☐ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTOL-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449

- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

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Art Unit 116

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-6 and 14-17, drawn to compounds, classified in Class 556, subclass 11.

II. Claims 7-13, drawn to catalysts, classified in Class 502, subclass 117.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. § 806.05(h)). In the instant case, the catalyst would be expected to be useful for materially different purposes.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art, as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with applicant's Attorney, Mr. Kurtzman, on Dec. 4, 1990 a provisional election was made with traverse to prosecute the invention of II, claims 7-13. Affirmation of this election must be made by applicant in responding to this Office action. Claims 1-6 and 14-17 stand withdrawn from further consideration by the Examiner, 37 C.F.R.

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Art Unit 116

§ 1.142(b), as being drawn to a non-elected invention.

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Cancel claims 1-6 and 14-17.

At claim 8, line 2, correct the spelling of "sulfur".

At every occurrence in the formulas in claim 7 and on pages 4, 6, and 7 and at page 5, lines 18, page 8, lines 15, 20 and 22, page 11, lines 3 and 6, page 12, line 30 and claim 7, line 27, change "B" to "T".

At claim 7, line 6, insert "o," after "is".

Before the first line of the specification, insert the following:

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Abstract

The invention is a polymerization catalyst system including an alumoxane and a Group IV B metallocene having a heteroatom ligand. The catalyst system can be employed to polymerize olefins to produce a high molecular weight polymer.

Authorization for this Examiner's Amendment was given in a telephone interview with Applicant's Attorney, Mr Kurtzman on Dec 5, 1990.

The following is an Examiner's Statement of Reasons for

Serial No. 533,245

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Art Unit 116

Allowance: Claims 7-13 are considered to be allowable since the prior art does not teach or suggest the claimed catalyst. Mitsui shows metallocenis having a heteroatom ligand in a polymerization catalyst and is considered to be the most closely related prior art. However, the metallocenes of Mitsui are different from those claimed and Mitsui does not teach or suggest catalyst systems containing the instant metallocenes.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

P. Garvin:aw  
December 17, 1990  
12/20/90



PATRICK P. GARVIN  
PRIMARY PATENT EXAMINER  
ART UNIT 116